

1 We have many rights of the accused spelled out
2 in the new Constitution which are of much smaller importance.
3 No man should be incarcerated unless he has been adjudged
4 guilty of a crime and is serving a sentence, and I suggest
5 that this constitutional provision would end this nefarious
6 practice in our state.

7 THE PRESIDENT: Delegate Henderson.

8 DELEGATE HENDERSON: I rose to discuss this
9 provision when it was brought up before, and I simply
10 want to remind you that this matter, in amplification of
11 what Judge Child has said, is presently under consideration
12 by the legislative council and jointly with the Rules
13 Committee of the Court of Appeals. A sub-committee of
14 the Rules Committee, I understand, is ready to report to
15 the whole committee at a meeting which has been called
16 for January 5 so that this whole problem which I agree is
17 a difficult one is being dealt with in the best possible
18 fashion, jointly by the legislature and the Rules
19 Committee.

20 The problem is not quite as simple as it
21 seems on its face because it is necessary to have some